

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT SILER,

Plaintiff,

Case No. 08-CV-15077

v.

Honorable Patrick J. Duggan

W. BALDWIN, REBECCA J. ROBINSON,  
WHIPPLE, PATRICIA L. CARUSO,  
KAREN R. HALLIDAY, C. WASHINGTON,  
K. MORGAL, DAVID L. BERGH, J.  
ARMSTRONG, and JOHN DOE,

Defendants.

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**OPINION AND ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on June 21, 2010.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

Robert Siler ("Plaintiff"), a former state prisoner, filed this civil action against defendants pursuant to 42 U.S.C. § 1983 on December 9, 2008. In his complaint, Plaintiff alleges that defendants violated his Eighth Amendment rights when he was denied medical treatment after he fell out of his bed, hit his head on the concrete floor, and aggravated a pre-existing spinal injury on July 28, 2008. This Court referred all pre-trial proceedings in this case to Magistrate Judge Mona K. Majzoub on March 9, 2009. As part of the pre-trial proceedings, Magistrate Judge Majzoub considered a

motion by Plaintiff to dismiss Defendant John Doe without Prejudice.<sup>1</sup>

On April 27, 2010, Magistrate Judge Majzoub issued a Report and Recommendation (“R&R”) recommending that this Court grant Plaintiff’s motion to dismiss John Doe without prejudice. At the conclusion of the R&R, Magistrate Judge Majzoub advises the parties that they may object to and seek review of the R&R within 14 days of service upon them. (R&R at 2.) She further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” ( *Id.*) No parties filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Majzoub.

Accordingly,

**IT IS ORDERED** that Plaintiff’s Motion to Dismiss John Doe without Prejudice is **GRANTED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies To:  
Heidi A. Naasko, Esq.  
Clifton B. Schneider, Esq.

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<sup>1</sup>Defendant’s Whipple, Caruso, Halliday, Washington, Morgal, Bergh, and Armstrong were dismissed without prejudice by order of this Court on October 8, 2009.